

ORIGINAL

MUHANNAD TOMA¹
A78-759-862
San Diego Detention Center (CCA)
P.O. Box 439049
San Ysidro, CA 92143-9049

FILED

DEC 19 PM 3:27

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY YWT DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MUHANNAD TOMA,
[A78-759-862]

Civil Action No. **07 CV 2381 JAH POR**

Petitioner,

NOTICE OF MOTION AND
MOTION FOR APPOINTMENT
OF COUNSEL

v.

MICHAEL CHERTOFF, SECRETARY OF THE
DEPARTMENT OF HOMELAND SECURITY,
MICHAEL MUKASEY, ATTORNEY
GENERAL, ROBIN F. BAKER, DIRECTOR OF
SAN DIEGO FIELD OFFICE, BUREAU OF
IMMIGRATION AND CUSTOMS
ENFORCEMENT, JOHN A. GARZON,
OFFICER-IN-CHARGE,

Respondents.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY

PLEASE TAKE NOTICE that the petitioner, Muhannad Toma, will ask this Court to enter an order granting the motion listed below.

¹The petitioner is filing the instant request for appointment of counsel with the assistance of Janet Tung and the Federal Defenders of San Diego, Inc., who drafted the instant motion.

MOTION

The Petitioner, Muhannad Toma, pursuant to the United States Constitution, 18 U.S.C. § 3006A, and all other applicable statutes, case law and local rules, hereby moves this Court for an order appointing him counsel to assist him in his efforts to seek relief from his detention through a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

This motion is based upon the instant notice of motion, the incorporated statement of facts and attached memorandum of points and authorities, and any and all other materials that may come to this Court's attention at the time of the hearing on these motions.

Respectfully submitted,

Dated: 12-13-07



MUHANNAD TOMA
Petitioner

1 MUHANNAD TOMA
2 A78-759-862
3 San Diego Detention Center (CCA)
4 P.O. Box 439049
5 San Ysidro, CA 92143-9049
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MUHANNAD TOMA,
[A78-759-862]

Petitioner,

v.

MICHAEL CHERTOFF, SECRETARY OF THE
DEPARTMENT OF HOMELAND SECURITY,
MICHAEL MUKASEY, ATTORNEY
GENERAL, ROBIN F. BAKER, DIRECTOR OF
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ENFORCEMENT, JOHN A. GARZON,
OFFICER-IN-CHARGE,

Respondents.

Civil Action No.

STATEMENT OF FACTS AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITIONER'S MOTION

I.

STATEMENT OF FACTS

The petitioner has been ordered removed from the United States by the respondents. However, because he cannot be removed to his country of origin or any alternate country, he is being held by respondents, based upon their misconstrual of their statutory authority to detain non-removable aliens indefinitely under 8 U.S.C. § 1231(a)(6).

1 Petitioner, a native of Iraq, entered the custody of Respondents over fifteen months ago, in August
2 2006, where he has remained since. He was ordered removed from the United States by Respondents on
3 February 13, 2007, over ten months ago. Petitioner cannot be removed to his country of origin or to an
4 alternate country. He is being held in detention by Respondents based upon their misapplication of 8 U.S.C.
5 § 1231(a)(6) to indefinitely detain non-removable aliens.

6 The petitioner was born in Baghdad, Iraq in 1970. In 2000, he fled Iraq as a refugee and entered the
7 United States upon a grant of asylum. Petitioner was ordered removed to Iraq by an immigration judge on
8 February 13, 2007, after being taken into immigration custody in August 2006. Petitioner waived appeal.
9 Petitioner's order of removal became final as of February 13, 2007. See 8 C.F.R. § 1241.1; see also 8 C.F.R.
10 § 1240.15 (appeals to the BIA must be filed within 30 calendar days of the immigration judge's oral
11 decision). Petitioner was found to be entitled to protection under the Convention Against Torture and was
12 granted deferral of removal under 8 C.F.R. § 208.17. See Appendix A (February 13, 2007, Order of the
13 Immigration Judge), attached to the Petition for Writ of Habeas Corpus.

14 Immigration and Customs Enforcement (ICE) conducted a custody review and issued an order to
15 continue detention on or about June 29, 2007. See Appendix B, attached to the Petition. The order
16 recommended detention on the grounds of the alleged "serious and violent nature of your last conviction,
17 Felony Assault with Deadly Weapon, and numerous Felony convictions for Vandalism." Id. The order
18 further stated that if Petitioner was not "released or removed from the United States by August 12, 2007,
19 jurisdiction of the custody decision in your case will be transferred to the Headquarters Post Order Unit
20 (HQPDU), 801 I St. NW, Washington, DC 20536. HQPDU will made a final determination regarding your
21 custody." Id. To date, Petitioner has received no further communication regarding his custody status, and
22 does not know whether HQPDU has made a determination of his status.

23 At no time during the ten months since Petitioner was ordered removed has the United States
24 government received travel documents that would permit his repatriation to Iraq. See 8 U.S.C.
25 § 1231(b)(2)(A), (D), (E)(iv)-(vi) (deportable alien must be removed first to country designated by him at
26 deportation hearing, then to country of citizenship, then to listed countries, including the country of birth
27 or that country having sovereignty over it at time of the alien's birth or at time of the deportation.). Because
28 Petitioner has been granted deferral of removal, and there is no indication that deferral has been terminated,

1 Respondents *may not* remove him to Iraq. See 8 C.F.R. § 208.17. Moreover, as the government of Iraq is
2 in extreme political disarray, having suffered a recent war and continuing civil discord, it is extremely
3 unlikely that its government will issue travel documents to permit Petitioner's removal there in the
4 reasonably foreseeable future. Neither have Respondents obtained travel documents that would permit his
5 removal to any other country. Thus, the United States has had ample opportunities to obtain travel
6 documents, yet has failed to do so. There is therefore no indication that the petitioner can be removed to Iraq
7 or any other country, in the reasonably foreseeable future.

8 The respondents continue to hold the petitioner in custody, despite the fact that over ten months have
9 elapsed. See Zadvydas v. Davis, 533 U.S. 678, 701 (2001) (requiring a court to evaluate whether the
10 detention of a deportable alien "exceeds a period reasonably necessary to secure removal" and to release an
11 alien when "it has been determined that there is no significant likelihood of removal in the reasonably
12 foreseeable future," after the expiration of a six-month period following the issuance of a final order of
13 deportation or removal); see also Ma v. Ashcroft, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001) (declaring that
14 "in Zadvydas, the Supreme Court read the statute to permit a 'presumptively reasonable' detention period
15 of six months after a final order of removal—that is, three months after the statutory removal period has
16 ended . . .").

17 The petitioner has \$100.00 or less in his account at the San Diego Detention Center. See Prison
18 Certificate, Form CIV-67, Prison Certificate, attached hereto as Exhibit A. Since he is in custody, he does
19 not have a source of income or employment. Petitioner has not earned any money in the past ten months,
20 as he has been detained in the custody of Respondents. He has \$400 in a checking account and owns a 2002
21 Ford F150 pickup truck. He has no savings or other financial accounts, and does not own any real property
22 or other assets. As a result, he cannot afford to retain counsel.

23 Additionally, petitioner has had no formal legal education or training in the United States or
24 anywhere else. See Declaration of Janet Tung in Support of the Petitioner's Motion, ¶¶ 15-16.
25 Accordingly, the petitioner requests that this Court appoint the Federal Defenders of San Diego, Inc., to
26 represent him in the instant habeas action. That office stands ready and able to assist the petitioner in this
27 petition. See id. ¶¶ 2-6.

28 //

II.

ARGUMENTTHIS COURT SHOULD APPOINT COUNSEL FOR THE PETITIONER.

Habeas corpus proceedings “are of ‘fundamental importance . . . in our constitutional scheme because they directly protect our most valued rights.’” Brown v. Vasquez, 952 F.2d 1164, 1169 (9th Cir. 1991) (quoting Bounds v. Smith, 430 U.S. 817, 827 (1977)) (citations and internal quotations omitted). Consequently, federal law permits a district court to appoint counsel in a habeas proceeding under 28 U.S.C. § 2241 when the “interests of justice so require,” if a petitioner has shown that he is unable to afford an attorney. 18 U.S.C. §3006A(a)(2)(B). To make this decision, this Court must “evaluate [1] the likelihood of success on the merits as well as [2] the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983); accord Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997).

As is indicated below, the petitioner is highly likely to succeed on the merits of his claim, but will be unable to effectively articulate his claims through a pro se action, in light of his limited educational background. See Declaration of Janet Tung, ¶¶ 15-16. The petitioner cannot otherwise afford to retain counsel for the litigation of his petition for a writ of habeas corpus under 28 U.S.C. § 2241. Thus, the appointment of counsel is appropriate.²

The Petitioner Is Highly Likely to Succeed on the Merits of His Claim.

In Zadvydas, the Supreme Court held that 8 U.S.C. § 1231(a)(6) authorizes only a period of detention

² In identical habeas proceedings, the Honorable Roger T. Benitez of the United States District Court for the Southern District of California has appointed the Federal Defenders of San Diego, Inc. as counsel of record for a similarly-situated petitioner. Casas-Castrillon v. Department of Homeland Security, Case No. 05CV1552-BEN (NLS) (S.D. Cal. Jan. 31, 2006). Likewise, the Honorable Irma E. Gonzalez appointed counsel in Hanna v. INS, Case No. 01CV0382-IEG (JFS) (S.D. Cal. Apr. 26, 2001). The Honorable Napoleon A. Jones has appointed the Federal Defenders of San Diego, Inc., based upon the petitioners’ financial eligibility, their likelihood of success on the merits of the habeas petition, the complexity of the legal issues involved in the habeas action, the petitioners’ lack of education and limited proficiency in English, and the need for assistance in obtaining discovery from federal immigration officials. See Chaydy v. INS, Case No. 00CV1687-J (JAH) (S.D. Cal. Sept. 1, 2000). Other judges in the United States District Court for the Southern District of California have made similar appointments. See Aphyayavong v. INS, Case No. 00CV0804-J (LAB) (S.D. Cal. June 22, 2000); see also Gebu v. INS, Case No. 01CV0625-JM (POR) (S.D. Cal. Jul. 11, 2001); Sahagian v. INS, Case No. 01CV066-BTM (RBB) (S.D. Cal. May 18, 2001); Cao v. INS, Case No. 00CV1991-L (JAH) (S.D. Cal. Oct. 10, 2000).

1 that is reasonably necessary to bring about an alien's removal from the United States, and "does not permit
2 indefinite detention." Zadvydas, 533 U.S. at 689. If a deportable alien has not been released from
3 immigration custody within a six-month period after the issuance of a final order of removal or deportation,
4 "the habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure
5 removal." Id. at 701; see also Ma, 257 F.3d at 1102 n.5 ("in Zadvydas, the Supreme Court read the statute
6 to permit a 'presumptively reasonable' detention period of six months after a final order of removal -- that
7 is, three months after the statutory removal period has ended") (citations omitted). If a deportable alien
8 "provides good reason to believe that there is no significant likelihood of removal in the reasonably
9 foreseeable future, the Government must respond with evidence sufficient to rebut that showing." Zadvydas,
10 533 U.S. at 701. Federal officials **must** release a deportable alien from custody under appropriate conditions
11 of supervision when no "significant likelihood of removal [exists] in the reasonably foreseeable future."
12 Id. at 699-700; see also Ma, 257 F.3d at 1100 (concluding that federal law mandates release of the alien
13 under 8 U.S.C. § 1231(a)(3) when the alien "has already entered the United States and there is no reasonable
14 likelihood that a foreign government will accept the alien's return in the reasonably foreseeable future").

15 The petitioner has been detained in the custody of respondents **since August 2006**. In the time since
16 he was ordered removed on **February 13, 2007**, the United States government has not received travel
17 documents that would permit the petitioner's repatriation to Iraq or any alternate country. As the United
18 States has not obtained travel documents in the ten months that Petitioner has been subject to a final order
19 of removal, there is no indication that the petitioner can be removed to Iraq or any other country in the
20 reasonably foreseeable future. The 90-day removal period following the issuance of a final order of
21 deportation ended on May 14, 2007.

22 The petitioner's detention beyond the presumptively reasonable detention period announced in
23 Zadvydas violates §1231(a)(6), because it is not significantly likely that the petitioner can be removed to
24 Iraq or an alternate country in the reasonably foreseeable future. See Zadvydas, 533 U.S. at 700; see also
25 Ma, 257 F.3d at 1112 (holding that section 1231 mandates the release of deportable aliens "at the end of the
26 presumptively reasonable detention period" when "there is no repatriation agreement and no demonstration
27 of a reasonable likelihood that one will be entered into in the near future"). Since there is no evidence that
28 petitioner will indeed be removed in the reasonably foreseeable future, he is highly likely to succeed on the

merits of his habeas petition. This circumstance, in conjunction with the following elements, suggests the need for the appointment of counsel.

B. The Petitioner Cannot Adequately Articulate His Claims in the Absence of Counsel, in Light of the Complexity of the Legal Issues Involved in His Petition for Habeas Relief.

To weigh the petitioner's ability to articulate his claims in the absence of counsel, a court must measure "the [petitioner]'s ability to articulate his claims against the relative complexity of the matter." Rand, 113 F.3d at 1525. In addition, counsel may be appointed during federal habeas proceedings if the appointment of an attorney is "necessary for the effective utilization of discovery procedures, . . . [or] if an evidentiary hearing is required." Weygandt, 718 F.2d at 954 (other internal citations omitted).³

As is indicated above, the instant case involves complex legal issues grounded in constitutional law, statutory interpretation, principles of jurisdiction, and administrative procedure. While the Supreme Court's opinion in Zadvydas has clarified many legal issues, several legal issues remain unresolved, including the determination of acceptable conditions of supervision or release. Moreover, the fact that respondents have not demonstrated full compliance with the Zadvydas mandate, as of the date of this motion, indicates that this litigation still remains necessary. See Declaration of Janet Tung, ¶¶ 9-12.

Since the petitioner is in the custody of federal immigration officials, moreover, an analysis of immigration law is required. The Ninth Circuit has declared that "[w]ith only a small degree of hyperbole, the immigration laws have been deemed second only to the Internal Revenue Code in complexity." United States v. Ahumada-Aguilar, 295 F.3d 943, 950 (9th Cir. 2002) (citations and internal quotations omitted). In most cases involving an immigration law, "[a] lawyer is often the only person who could thread the labyrinth." Id. The absence of counsel during immigration proceedings will be prejudicial when an attorney could have assisted a litigant in seeking relief under applicable immigration laws, statutes, and cases. Id. at 951-52 (prohibiting the use of a deportation order during a subsequent prosecution for illegal re-entry because the absence of counsel affected the alien's ability to ascertain his eligibility for a waiver of deportation, the viability of a claim of United States citizenship, and his ability to obtain "special

³ The Federal Defenders of San Diego, Inc. drafted the instant pleading, as well as the petition for a writ of habeas corpus. Thus, this Court cannot conclude, based upon these pleadings, that the petitioner has a firm grasp of the legal and factual issues involved in federal habeas proceedings.

1 permission” to return to the United States after his deportation).

2 The petitioner’s lack of expertise in legal issues warrants the appointment of counsel. The petitioner
3 has no post-secondary education in this country, and has never been trained in the practice of law. See
4 Declaration of Janet Tung, ¶¶ 15-16. The absence of any formal legal background or training poses an
5 obstacle to the petitioner’s understanding of the issues involved in the instant proceedings, and warrants the
6 appointment of counsel to help him obtain the relief requested in his habeas petition. See Declaration of
7 Janet Tung, ¶ 15-16.

8 Additionally, the appointment of counsel may be appropriate during federal habeas proceedings if
9 it is “necessary for the effective utilization of discovery procedures,...[or] if an evidentiary hearing is
10 required.” Weygandt, 718 F.2d at 954. The respondents have information and documents relevant to the
11 petitioner’s habeas petition, including information relating to his criminal history, his bail or parole history,
12 his institutional history, the content of communications between federal immigration officials and the
13 embassy of the petitioner’s native country, and other documents relating to his detention by the Bureau of
14 Immigration and Customs Enforcement.

15 The petitioner cannot effectively pursue and obtain discovery from respondents that he will need to
16 adequately present his claims without the assistance of counsel, in light of his limited education and lack
17 of familiarity with the legal procedures involved in requesting and obtaining discovery. Moreover, the
18 petitioner cannot adequately review and evaluate his alien registration file (hereinafter “A-file”) or evaluate
19 relevant discovery regarding the likelihood of his removal from the United States without the aid of counsel.
20 The need for discovery, too, suggests the need for the appointment of the Federal Defenders of San Diego,
21 Inc. in the instant matter.

22 **C. The Potential Need for an Evidentiary Hearing Warrants the Appointment of Counsel.**

23 The Government must proffer evidence “sufficient to rebut [the] showing by a deportable alien that
24 “good reason [exists] to believe that there is no significant likelihood of removal in the reasonably
25 foreseeable future.” Zadvydas, 533 U.S. at 701. Since the Government is required to present evidence to
26 rebut the petitioner’s contention that his removal to Iraq or an alternate country is not likely in the reasonably
27 foreseeable future, an evidentiary hearing may be necessary to litigate disputed issues of fact. See Lawson
28 v. Borg, 60 F.3d 608, 611 (9th Cir. 1995) (requiring an evidentiary hearing to litigate contested issues of fact

during federal habeas proceedings); see also Weygandt, 718 F.2d at 954 (noting that the appointment of counsel may be appropriate during federal habeas proceedings “if an evidentiary hearing is required”). The petitioner lacks a sufficient legal background to advocate for himself during a contested motion hearing. See Declaration of Janet Tung, ¶¶ 15-16. The appointment of counsel is necessary to ensure that the petitioner’s rights are adequately protected in contested habeas proceedings.

D. The Prison Litigation Reform Act, 28 U.S.C. § 1915, Does Not Require the Petitioner to Pay Filing Fees to Proceed with His Request for Federal Habeas Relief.

The Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915, ordinarily requires a prisoner who “brings a civil action or files an appeal in forma pauperis” to “pay the full amount of a filing fee” and to cover subsequent court fees incurred during the litigation of the inmate’s claim. 28 U.S.C. § 1915(b). In Naddi v. Hill, however, the Ninth Circuit concluded that “[a] review of the language and intent of the PLRA reveals that Congress was focused on prisoner civil rights and conditions cases, and did not intend to include habeas proceedings in the scope of the Act.” 106 F.3d 275, 277 (9th Cir. 1997). Consequently, the Ninth Circuit declined to apply the *in forma pauperis* provisions of the PLRA to habeas petitioners, and to thereby require habeas petitioners to pay full filing fees and court costs.

The petitioner in the instant case is filing a petition for a writ of habeas corpus under 28 U.S.C. § 2241, along with the instant motion. Since the petitioner is not filing another civil action for relief from the conditions of confinement, such as a civil suit under 42 U.S.C. § 1983, he is not required to pay the full amount and filing fees and court costs to pursue habeas relief. Therefore, this Court cannot dismiss his petition for relief, or otherwise penalize the petitioner, for his failure to pay the full amount of filing fees specified in 28 U.S.C. § 1915.

III.

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that this Court grant the motion for appointment of counsel in this habeas corpus action.

Respectfully submitted,

Dated: 12-13-07


 MUHANNAD TOMA
 Petitioner

EXHIBIT A

If you are a prisoner you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant Toma, Muhammad Mikha
(NAME OF INMATE)

A# 78759862
(INMATE'S CDC NUMBER)

has the sum of \$ 18.¹⁶ on account to his/her credit at
San Diego Correctional Facility
(NAME OF INSTITUTION)

I further certify that the applicant has the following securities N/A

to his/her credit according to the records of the aforementioned institution. I further certify that during

the past six months the applicant's *average monthly balance* was \$ 100.⁰⁰

and the *average monthly deposits* to the applicant's account was \$ 100.⁰⁰

ALL PRISONERS **MUST** ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT
STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD
IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

12-3-07
DATE

[Signature]
SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

R. Rivera
OFFICER'S FULL NAME (PRINTED)

Unit Manager
OFFICER'S TITLE/RANK

Page 1 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
TOMA	MUHANAD	MIKHA		686369	08/16/2006 10:59	Deposit	106.00	CS	INTAKE	detainee	106.00	0.00	2559524	
Authorizing Employee: SAcost Document Locator Number:														
08/18/2006 08:57 Withdrawal -55.48 CO COMMISSARY SUMMARY POSTING 50.52 0.00 2578620														
Authorizing Employee: FGERAC Document Locator Number: COMMISSARY SUMMARY POSTING														
08/25/2006 07:10 Withdrawal -24.50 CO COMMISSARY SUMMARY POSTING 26.02 0.00 2625090														
Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
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Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
09/01/2006 07:22 Withdrawal -20.90 CO COMMISSARY SUMMARY POSTING 0.12 0.00 2668811														
Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
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Authorizing Employee: MLEYBA Document Locator Number: 10579521407														
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Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
09/22/2006 07:24 Withdrawal -74.15 CO COMMISSARY SUMMARY POSTING 36.27 0.00 2815310														
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Authorizing Employee: MLEYBA Document Locator Number: 10580580955														
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Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														

Inmate Account Summary Report San Diego Correctional Facility

Page 2 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
TOMA	MUHANNAD	MIKHA		686369	11/01/2006 07:17	Withdrawal	-36.03	CO		COMMISSARY SUMMARY POSTING	51.32	0.00	3091773	
Authorizing Employee: FGERAC Document Locator Number: COMMISSARY SUMMARY POSTING														
11/07/2006 07:27 Withdrawal -37.23 CO COMMISSARY SUMMARY POSTING 14.09 0.00 3136981														
Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
11/14/2006 07:38 Withdrawal -13.69 CO COMMISSARY SUMMARY POSTING 0.40 0.00 3192823														
Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
11/16/2006 14:11 Deposit 100.00 MO MAIL M. TOMA 100.40 0.00 3219645														
Authorizing Employee: VBermu Document Locator Number: 10583073472														
11/21/2006 07:30 Withdrawal -43.64 CO COMMISSARY SUMMARY POSTING 56.76 0.00 3256031														
Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
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Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY POSTING														
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Authorizing Employee: VGUZMA Document Locator Number: COMMISSARY SUMMARY REVERSAL														

Inmate Account Summary Report San Diego Correctional Facility

Page 3 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
TOMA	MUHANNAD	MIKHA		686369	01/03/2007 08:02	Withdrawal	-78.23	CO		COMMISSARY SUMMARY POSTING	45.25	0.00	3584673	
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					01/04/2007 14:17	Deposit	40.00	CS	MAIL	MUNA TOMA	85.25	0.00	3600657	
					Authorizing Employee:	MLEYBA				Document Locator Number:				
					01/09/2007 07:30	Withdrawal	-35.33	CO		COMMISSARY SUMMARY POSTING	49.92	0.00	3636272	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
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					01/23/2007 07:33	Withdrawal	-11.06	CO		COMMISSARY SUMMARY POSTING	1.22	0.00	3761440	
					Authorizing Employee:	VGUZMA				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					01/29/2007 12:03	Deposit	100.00	MO	MAIL	MAYSON TOMA	101.22	0.00	3822123	
					Authorizing Employee:	MLEYBA				Document Locator Number:	10892500997			
					01/30/2007 07:05	Withdrawal	-44.91	CO		COMMISSARY SUMMARY POSTING	56.31	0.00	3847007	
					Authorizing Employee:	VGUZMA				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					02/06/2007 07:13	Withdrawal	-40.59	CO		COMMISSARY SUMMARY POSTING	15.72	0.00	3901448	
					Authorizing Employee:	VGUZMA				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					02/13/2007 07:41	Withdrawal	-13.84	CO		COMMISSARY SUMMARY POSTING	1.88	0.00	3965180	
					Authorizing Employee:	VGUZMA				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					02/22/2007 14:56	Deposit	100.00	MO	MAIL	MAYSON MOSHI	101.88	0.00	4045386	
					Authorizing Employee:	MLEYBA				Document Locator Number:	10894326333			
					02/27/2007 07:21	Withdrawal	-55.34	CO		COMMISSARY SUMMARY POSTING	46.54	0.00	4078829	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					03/06/2007 07:26	Withdrawal	-23.94	CO		COMMISSARY SUMMARY POSTING	22.60	0.00	4138012	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					03/13/2007 07:21	Withdrawal	-21.43	CO		COMMISSARY SUMMARY POSTING	1.17	0.00	4218167	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			

Page 4 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
TOMA	MUHANAD	MIKHA		686369	03/16/2007 10:54	Deposit	100.00	MO	MAIL	MAY TOMA	101.17	0.00	4248413	
Authorizing Employee: MLEYBA Document Locator Number: 10894336604														
03/20/2007 07:23 Withdrawal -41.43 CO COMMISSARY SUMMARY POSTING 59.74 0.00 4290916														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
03/20/2007 13:36 Withdrawal -5.00 CO COMMISSARY SUMMARY POSTING 54.74 0.00 4299295														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
03/20/2007 14:57 Deposit 100.00 CS MAIL MUNA TOMA 154.74 0.00 4299375														
Authorizing Employee: MLEYBA Document Locator Number:														
03/27/2007 07:21 Withdrawal -22.20 CO COMMISSARY SUMMARY POSTING 132.54 0.00 4351993														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
04/03/2007 07:10 Withdrawal -44.83 CO COMMISSARY SUMMARY POSTING 87.71 0.00 4401557														
Authorizing Employee: FGERAC Document Locator Number: COMMISSARY SUMMARY POSTING														
04/10/2007 07:24 Withdrawal -30.96 CO COMMISSARY SUMMARY POSTING 56.75 0.00 4469207														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
04/17/2007 07:19 Withdrawal -31.02 CO COMMISSARY SUMMARY POSTING 25.73 0.00 4534582														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
04/17/2007 13:45 Deposit 100.00 MO MAIL MAY TOMA 125.73 0.00 4537511														
Authorizing Employee: MLEYBA Document Locator Number: 11250090494														
04/24/2007 07:21 Withdrawal -41.87 CO COMMISSARY SUMMARY POSTING 83.86 0.00 4595997														
Authorizing Employee: FGERAC Document Locator Number: COMMISSARY SUMMARY POSTING														
05/02/2007 07:28 Withdrawal -28.81 CO COMMISSARY SUMMARY POSTING 55.05 0.00 4661219														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
05/08/2007 07:21 Withdrawal -22.94 CO COMMISSARY SUMMARY POSTING 32.11 0.00 4715781														
Authorizing Employee: MONF26 Document Locator Number: COMMISSARY SUMMARY POSTING														
05/15/2007 07:27 Withdrawal -20.18 CO COMMISSARY SUMMARY POSTING 11.93 0.00 4789150														
Authorizing Employee: FGERAC Document Locator Number: COMMISSARY SUMMARY POSTING														

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?	
TOMA	MUHAMMAD	MIKHA		686369	05/22/2007 07:23	Withdrawal	-11.88	CO		COMMISSARY SUMMARY POSTING	0.05	0.00	4856300		
Authorizing Employee:											Document Locator Number:				COMMISSARY SUMMARY POSTING

05/22/2007 14:42	Deposit	MO	MAIL	M. MOSHI	100.05	0.00	4863894
Authorizing Employee: VBermu				Document Locator Number:	09744454260		

06/05/2007 07:14	Withdrawal	CO	-27.23	COMMISSARY SUMMARY POSTING	19.29	0.00	4963424	COMMISSARY SUMMARY POSTING
Authorizing Employee: FGERAC				Document Locator Number:	COMMISSARY SUMMARY POSTING			

06/14/2007 15:35	Deposit	100.00	MO	MAIL	MUHAMMED TOMA	100.54	0.00	5072198
Authorizing Employee: VBernu					Document Locator Number: 11253519268			

06/26/2007 07:26	Withdrawal	-31.11	CO	COMMISSARY SUMMARY POSTING	20.17	0.00	5168052
Authorizing Employee: MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING		

07/09/2007 15:22	Deposit	MO	MAIL	M. TOMA	100.00	100.58	0.00	5281779
Authorizing Employee: VBernu					Document Locator Number: 11570716710			

07/17/2007 07:19	Withdrawal	-25.39	CO	COMMISSARY SUMMARY POSTING	20.91	0.00	5360950
Authorizing Employee: MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING		

07/17/2007 14:20	Deposit	CS	50.00	MAIL	UNKNOWN	70.91	0.00	5368001
Authorizing Employee: VBernu					Document Locator Number:	CASH		

Inmate Account Summary Report San Diego Correctional Facility

Page 6 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
TOMA	MUHANNAD	MIKHA		686369	07/24/2007 07:21	Withdrawal	-30.42	CO		COMMISSARY SUMMARY POSTING	40.49	0.00	5424525	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					08/01/2007 07:24	Withdrawal	-32.58	CO		COMMISSARY SUMMARY POSTING	7.91	0.00	5494806	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					08/07/2007 07:56	Withdrawal	-7.12	CO		COMMISSARY SUMMARY POSTING	0.79	0.00	5551767	
					Authorizing Employee:	FGERAC				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					08/07/2007 14:04	Deposit	100.00	MO	MAIL	M. TOMA	100.79	0.00	5560233	
					Authorizing Employee:	VBernu				Document Locator Number:	11572194060			
					08/14/2007 07:22	Withdrawal	-31.01	CO		COMMISSARY SUMMARY POSTING	69.78	0.00	5624415	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					08/21/2007 07:15	Withdrawal	-21.67	CO		COMMISSARY SUMMARY POSTING	48.11	0.00	5693535	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					08/28/2007 07:27	Withdrawal	-29.07	CO		COMMISSARY SUMMARY POSTING	19.04	0.00	5756150	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					09/05/2007 07:27	Withdrawal	-18.71	CO		COMMISSARY SUMMARY POSTING	0.33	0.00	5815911	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					09/06/2007 13:32	Deposit	100.00	MO	MAIL	M. TOMA	100.33	0.00	5837153	
					Authorizing Employee:	MLEYBA				Document Locator Number:	11573456545			
					09/11/2007 07:34	Withdrawal	-29.74	CO		COMMISSARY SUMMARY POSTING	70.59	0.00	5883498	
					Authorizing Employee:	FGERAC				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					09/18/2007 08:05	Withdrawal	-22.54	CO		COMMISSARY SUMMARY POSTING	48.05	0.00	5957084	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					09/25/2007 07:29	Withdrawal	-39.92	CO		COMMISSARY SUMMARY POSTING	8.13	0.00	6022379	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY POSTING			
					09/25/2007 11:55	Withdrawal	10.55	CRV		COMMISSARY SUMMARY REVERSAL	18.68	0.00	6027397	
					Authorizing Employee:	MONF26				Document Locator Number:	COMMISSARY SUMMARY REVERSAL			

Inmate Account Summary Report San Diego Correctional Facility

Page 7 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#	Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From	Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?				
TOMA	MUHANNAD	MIKHA		686369	09/25/2007 15:21	Deposit	60.00	MO	MAIL	M. DALI		78.68	0.00	6028180					
Authorizing Employee: MLEYBA					Document Locator Number: 11573458402														
10/02/2007 07:29					Withdrawal	-28.55	CO	COMMISSARY SUMMARY POSTING								50.13	0.00	6079370	
Authorizing Employee: MONF26					Document Locator Number: COMMISSARY SUMMARY POSTING														
10/09/2007 07:35					Withdrawal	-43.48	CO	COMMISSARY SUMMARY POSTING								6.65	0.00	6150620	
Authorizing Employee: MONF26					Document Locator Number: COMMISSARY SUMMARY POSTING														
10/12/2007 10:29					Deposit	100.00	MO	MAIL	M. Toma			106.65	0.00	6197282					
Authorizing Employee: CEDWAR					Document Locator Number: 11574282960														
10/16/2007 07:32					Withdrawal	-42.16	CO	COMMISSARY SUMMARY POSTING								64.49	0.00	6225955	
Authorizing Employee: MONF26					Document Locator Number: COMMISSARY SUMMARY POSTING														
10/25/2007 07:52					Withdrawal	-42.79	CO	COMMISSARY SUMMARY POSTING								21.70	0.00	6315178	
Authorizing Employee: FGERAC					Document Locator Number: COMMISSARY SUMMARY POSTING														
10/30/2007 07:40					Withdrawal	-9.69	CO	COMMISSARY SUMMARY POSTING								12.01	0.00	6347552	
Authorizing Employee: FGERAC					Document Locator Number: COMMISSARY SUMMARY POSTING														
11/06/2007 07:24					Withdrawal	-11.79	CO	COMMISSARY SUMMARY POSTING								0.22	0.00	6408707	
Authorizing Employee: FGERAC					Document Locator Number: COMMISSARY SUMMARY POSTING														
11/14/2007 08:00					Withdrawal	-.15	CO	COMMISSARY SUMMARY POSTING								0.07	0.00	6500176	
Authorizing Employee: FGERAC					Document Locator Number: COMMISSARY SUMMARY POSTING														
11/14/2007 13:15					Deposit	100.00	MO	MAIL	M. TOMA			100.07	0.00	6493256					
Authorizing Employee: MLEYBA					Document Locator Number: 11575123391														
11/15/2007 07:47					Withdrawal	.15	CRV	COMMISSARY SUMMARY REVERSAL								100.22	0.00	6515219	
Authorizing Employee: HBANUE					Document Locator Number: COMMISSARY SUMMARY REVERSAL														
11/15/2007 07:48					Withdrawal	-33.88	CO	COMMISSARY SUMMARY POSTING								66.34	0.00	6515294	
Authorizing Employee: HBANUE					Document Locator Number: COMMISSARY SUMMARY POSTING														
11/20/2007 07:18					Withdrawal	-27.80	CO	COMMISSARY SUMMARY POSTING								38.54	0.00	6561670	
Authorizing Employee: FGERAC					Document Locator Number: COMMISSARY SUMMARY POSTING														

**Inmate Account Summary Report
San Diego Correctional Facility**

Page 8 of 8

Today's Date: 12/03/2007

Last Name	First Name	Middle Name	Affix	Booking#					
TOMA	MUHANNAD	MIKHA		686369					
Trans Date/Time	Trans Type	Amount	Code	Check#	Deposit From/Withdrawal To	Curr Bal	CR Bal	Receipt #	Rev?
11/20/2007 12:29	Withdrawal	1.21	CRV		COMMISSARY SUMMARY REVERSAL	39.75	0.00	6570802	
Authorizing Employee:	FGERAC	Document Locator Number: COMMISSARY SUMMARY REVERSAL							
<hr/>									
11/26/2007 14:33	Withdrawal	-1.82	PO		MAY TOMA	37.93	0.00	6612006	
Authorizing Employee:	DBANKS	Document Locator Number:							
<hr/>									
11/27/2007 07:22	Withdrawal	-19.77	CO		COMMISSARY SUMMARY POSTING	18.16	0.00	6616436	
Authorizing Employee:	FGERAC	Document Locator Number: COMMISSARY SUMMARY POSTING							

Total Withdrawals	-2077.84
Total Deposits	2096.00